Mr. C. R. Iyyunni (*Trichur South*).—I second it.

Motion put and carried.

The Cochin Maternity Benefit Bill.

Mrs. G. M. D'Souza Williams (*Nominated*).—I beg to present the Select Committee Report on the Cochin Maternity Benefit Bill§ and move that the Bill as reported by the Select Committee be taken up for consideration. The Select Committee made only one change in the Bill, that is, in clause 5, sub clause (2) of the Bill, the period of benefit was resolved to be extended to 8 weeks instead of 7 weeks. With this one modification, the Bill was fully accepted by the Select Committee. Last time when this Bill was introduced in the Council I spoke about the necesssity of maternity benefit to factory women workers and that a small benefit of 3 annas per day will help to prevent the women from starvation during the period of confinement. I hope the Hon'ble Members of this House realising the sad plight of women workers will now consider this Bill in a spirit of sympathy and compassion.

മിസ്സിസ്സ് മീനാക്ഷി എൻ. മേനോൻ (*Nominated*).— സർ, ഈ ബില്ലിനെ സംബന്ധിച്ചു കഴിഞ്ഞതവണ അനുദ്യോഗസ്ഥ ഭാഗത്തുനിന്നും ഉദ്യോഗസ്ഥഭാഗത്തുനിന്നും യാതൊരു എതിർപ്പും ഉണ്ടാകാത്തതുകൊണ്ടു ഞാൻ ഈ അവസരത്തിൽ പ്രത്യേകം ഒരു പ്രസംഗമൊന്നുംകൂടാതെ ഈ ബില്ലിനെ പിൻതാങ്ങുന്നു.

Motion put and carried.

Clauses 2 to 14 put and carried.

Clause 1 put and carried.

Title and Preamble put and carried.

Mrs. G. M. D'Souza Williams (*Nominated*).—I move that the Bill be taken up and finally passed tomorrow.

Motion put and carried.

The Cochin Nambudiri Kudumba Bill

***Mr. T. A. Ramachandra Ayyar** (*Nellayi*).—Sir, I beg to present the Select Committee Report on the Cochin Nambudiri

§ Vide Appendix I.

* Speech not corrected by Hon'ble Member.

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every year about Rs. 75,000 to one lakh of rupees on irrigation original works exclusive of maintenance. If you take the budget estimate for the last ten years it will be clear. It is not possible to fix a certain amount, say 2 lakhs or one lakh, a year. We may be able to spend even more, say 4 or 5 lakhs of rupees, in any year because in some cases it may become necessary for the construction of urgent works. If we delay such work, the floods might do considerable damage to the areas. How the irrigation work will be affected by the Irrigation Act will also have to be considered for that purpose I would suggest for the acceptance of the House to have a Board first to examine the schemes which we have already investigated.

Mr. T. A. Ramachandra Ayyar *(Nellayi).*—I press it to a division.

Mr. Deputy President—Government have agreed to the formation of an Irrigation Board.

Resolution put and carried.

The House rose for the day at 5 P. M.

B. V. KRISHNANKUTTY MENON,

Secretary to the Council.

APPENDIX I.

THE COCHIN MATERNITY BENEFIT BILL.

Whereas it is expedient to prevent the employment of women in factories for some time before and some time after confinement and to provide for the payment of maternity benefit to them.

Preamble.

It is hereby enacted as follows:—

1. This Act may be called the Cochin Maternity Benefit Act, of 111 .

Short title.

2. It shall come into force at once.

Commencement and extent.

(2) It extends to the whole of Cochin.

3. In this Act unless there is anything repugnant in the subject or context.

Definition.

(a) 'employer' includes an occupier of a factory as defined in the Cochin Factories Act and the Manager of a factory;

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(b) the expressions 'factory', 'Inspector of Factories', 'seasonal factory' and 'worker' shall have the same meanings as are respectively assigned to them by the Cochin Factories Act, and

(c) 'maternity benefit' means the amount of money payable under the provisions of this Act to a woman worker in a factory.

Prohibition of employment of women in factories immediately after confinement.

4. After this Act comes into operation no employer shall knowingly employ a woman in any factory during the four weeks immediately following the day of her confinement.

Right to maternity benefit of women workers in non-seasonal factories.

5. (1) Subject to the provisions of this Act every woman worker in a factory not being a seasonal factory shall be entitled to the payment of maternity benefit at the rate of three annas a day for the actual days of her absence during the period immediately proceeding her confinement and for the four weeks immediately following her confinement as mentioned in sub-section (2);

Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the factory of the employer from whom she claims maternity benefit for a period of not less than 12 months immediately preceding the date on which she gives notice under sub-section (1) of section 6.

(2) The maximum period for which any woman shall be entitled to the payment of maternity benefit shall be eight weeks, that is to say, four weeks up to and including the day of her confinement and four weeks immediately following that day. If a woman dies during this period the maternity benefit shall be payable only for the days up to and including the day of her death.

Notice of claim of maternity benefit & payment thereof.

6. (1) Any woman worker in a factory entitled to maternity benefit under the provisions of this Act may give notice in writing to her employer stating that her maternity benefit may be paid to her or to such other person as she may nominate in this behalf and that she will not work in any employment during the period for which she receives maternity benefit. If the woman worker has not been confined, such notice shall state that she expects to be confined within one month from the date of the notice; if she has been confined, such notice shall be given within one week of her confinement.

(2) The employer shall, on receipt of the notice, permit such woman to absent herself from the factory until the expiry of four weeks after the day of her confinement.

(3) The amount of maternity benifit for the period up to and including the day of confinement shall be paid by the employer to the woman within forty-eight hours of the production of such proof as the Government may, by rule, prescribe that the woman has been confined. The amount

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due for the subsequent period shall be paid punctually each fortnight in arrear.

Payment of maternity benefit in case of claimant's death.

7. If a woman worker entitled to maternity benefit under the provisions of this Act dies during the period for which she is entitled to maternity benefit, the employer shall pay the amount of maternity benefit due to the nominee mentioned in the notice given under sub-section (1) of section 6 and if there is no such nominee to her legal representative.

Prohibition of notice of dismissal to woman worker in certain cases.

8. (1) When a woman worker absents herself from work in accordance with the provisions of this Act it shall not be lawful for her employer to give her notice of dismissal during such absence or on such a day that the notice will expire during such absence.

(2) (a) No notice of dismissal given without sufficient cause by an employer to a woman worker within a period of three months before her confinement shall have the effect of depriving her of any maternity benefit to which but for such notice she would have been, or would, on or before the date of her confinement, have become, entitled under this Act.

(b) If any question arises as to whether any notice of dismissal given under clause (a) was or was not given for sufficient cause, it shall be referred to the Inspector of Factories whose decision shall be final.

(c) The provisions of this sub-section shall not apply to notices failing under sub-section (1).

Forfeiture of maternity benefit.

9. If a woman works in any factory after she has been permitted by her employer to absent herself under the provisions of section 6, she shall forfeit her claim to the payment of the maternity benefit to which she is entitled.

Penalty for contravention of Act by employer.

10. If any employer contravenes the provisions of this Act he shall be punishable with fine which may extent to one hundred rupees.

Jurisdiction of Courts.

11. (1) No prosecution for any offence against this Act or any rules thereunder shall be instituted except by or with the previous sanction of the Inspector of Factories.

(2) No court inferior to that of a Magistrate of the First Class shall try any offence against this Act or any rules thereunder.

Period of limitation for prosecutions under this Act.

12. No Court shall take cognizance of, or convict a person for, any offence against this Act or any rule thereunder unless complaint thereof has been made within six months of the date on which the offence was committed. In computing the period of six months aforesaid, the time, if any, taken for the purpose of obtaining the previous sanction of the Inspector of Factories under sub-section (1) of section 11 shall be excluded.

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13. (1) The Government may make rules for the purpose of carrying into effect the provisions to this Act.

Rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the preparation and maintenance of a muster roll and the particulars to be entered in such roll;

(b) the inspection of factories for the purposes of this Act by Inspectors of Factories.

(c) the exercise of powers and the performance of duties by Inspectors of Factories for the purposes of this Act; and

(d) the method of payment of maternity benefit in so far as provision has not been made therefore in this Act.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to rupees twenty-five.

(4) The making of rules under this section shall be subject to the condition of previous publication.

14. A copy of the provisions of this Act and the rules thereunder in Malayalam shall be exhibited in a conspicuous place by the employer in every factory in which women are employed.

Copy of Act and rules to be exhibited in factories employing women.

APPENDIX II.

THE COCHIN NAMBUDIRI KUDUMBA BILL.

Whereas it is expedient to define and amend in certain respects the law relating to family management, marriage, guardianship, intestate, succession and partition applicable to Nambudiri Brahmins; it is hereby enacted as follows:—

Preamble.

CHAPTER I.

Preliminary.

1. i. This Act may be called the Cochin Nambudiri Act, of 111 .

Short title and application.

ii. It shall apply

(a) to all Nambudiri Brahmins in the Cochin State;

(b) to all Nambudiri Brahmins outside the State in respect of immovable property situated within the State.

2. (a) 'Anandaravan' means any member of the illom other than the Karnavan;

Definitions.

(b) 'Illom' or 'Mana' means all the members of a Nambudiri joint family with community of property;

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